

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DAVID D. DANNER, ESQ.)
)
)
Plaintiff,)
)
)
v.) Case No. 3:06-0687
) Judge Echols
TENNESSEE COMMISSION ON)
CONTINUING LEGAL EDUCATION)
AND SPECIALIZATION OF THE)
TENNESSEE SUPREME COURT,)
DAVID N. SHEARON,)
)
)
Defendants.)

ORDER

For the reasons set forth in the Memorandum issued contemporaneously herewith, the Court hereby rules as follows:

(1) Plaintiff's Motion to Re-Open Case (Docket Entry No. 19) is hereby GRANTED;

(2) Defendants' Motion to Dismiss Amended Complaint (Docket Entry No. 25) is hereby GRANTED IN PART and DENIED IN PART as follows:

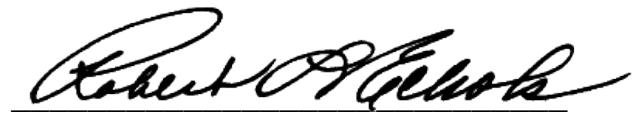
(A) Defendants' Motion to Dismiss is GRANTED with respect to Defendant Tennessee Commission on Continuing Legal Education and Specialization of the Tennessee Supreme Court and said Defendant is hereby DISMISSED from this action;

(B) Defendants' Motion to Dismiss with respect to Defendant Shearon in his individual and official capacities is DENIED; and

(C) Plaintiff's claims for relief in relation to the alleged violation of his Constitutional rights in the past by the Defendants are hereby DISMISSED. Plaintiff's claims for prospective declaratory and injunctive relief in regard to the application and constitutionality of Tennessee Supreme Court Rule 21 will remain pending.

This case is hereby referred to a Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) for pretrial case management, decisions on all pretrial, non-dispositive motions, and the issuance of a Report and Recommendation on any dispositive motion.

It is so ORDERED.



Robert L. Echols
ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE